

## **REMARKS**

**[0004]** Applicant respectfully requests reconsideration and allowance of all of the claims of the application. The status of the claims is as follows:

- Claims 1-5, 8-13, 15-18, 20-22 and 25 are currently pending.
- Claims 1, 13, 21 and 25 are amended herein.

### **Support for the Claim Amendments**

**[0005]** Claim 1 is amended to recite aspects of “identifying program details...”. This is supported by the specification; for example, see block 308 of Fig. 3 and paragraph [0035] of the published 20050210501 application.

**[0006]** Claim 1 is amended to recite aspects of “determining if the identified...”. This is supported by the specification; for example, see block 310 of Fig. 3 and paragraph [0035] of the published 20050210501 application.

**[0007]** Claim 1 is amended to recite aspects of “conflicts between the metadata...”. This is supported by the specification; for example, see Fig. 8 (note the conflict between 804 and 806) and paragraph [0045] of the published 20050210501 application.

**[0008]** Claim 1 is amended to recite aspects of a keyword section. This is supported by the specification; for example, see Fig. 12 (where growth in the keyword section 1202 is seen in 1204) and paragraphs [0051] to [0053] of the published 20050210501 application.

**[0009]** Claims 13, 21 and 25 are amended to recite elements as recited by claim 1, and are similarly supported by the Applicant’s specification.

### **Specification Amendments**

**[0010]** The Applicant has amended the specification to fix an error that arose in the published application. In particular, paragraph at page 12 of the application as filed, from line 9 to line 19, did not include the below typographical error that is seen in paragraph [0039] of the published application 2005/0210501.

### **Claim1 Complies With § 112 2nd Paragraph**

**[0011]** Claim 1 stands rejected under 35 U.S.C. § 112, ¶ 2, as allegedly being indefinite. Applicant respectfully traverses this rejection. Nevertheless, for the sole purpose of expediting prosecution and without acquiescing in the propriety of the Office's rejections, the Applicant herein amends claim 1 as shown above, to include a reference to the "keyword section". This is supported by the specification; for example, see Fig. 12 (where growth in the keyword section 1202 is seen in 1204) and paragraphs [0051] to [0053]. The Applicant respectfully submits that these amendments render the § 112, ¶ 2 rejections moot.

### **Cited Documents**

**[0012]** The following documents have been applied to reject one or more claims of the Application:

- **Logan:** Logan et al., U.S. Patent Application Publication No. 2003/0093790
- **Safadi:** Safadi et al., U.S. Patent Application Publication No. 2001/0051037
- **Lees:** Lees et al., U.S. Patent No. 7,162,499
- **Knudson:** Knudson et al., U.S. Patent No. 6,536,041
- **Marsh:** Marsh et al., U.S. Patent Application Publication No. 2004/003403

- **Vasudevan:** Vasuvedan et al., U.S. Patent No. 7,028,057
- **Barker:** Barker et al., U.S. Patent Application Publication No. 2002/0143976

**Claims 1-5, 8-22, 25 and 27 Are Non-Obvious Over Logan and further in view of Safadi, Lees, Knudson, Marsh and Vasudevan**

**[0013]** Claims 1-5, 8-22, 25 and 27 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Logan and further in view of Safadi, Lees, Knudson, Marsh and Vasudevan. The Applicant respectfully traverses the rejection.

**Independent Claim 1**

**[0014]** The Applicant respectfully submits, at least in view of the amendments to claim 1, that the cited documents of record do not make a *prima facie* showing that independent claim 1 is obvious. The Applicant submits that, even when viewed collectively, Logan, Safadi, Lees, Knudson, Marsh and Vasudevan do not teach or suggest at least the following features of claim 1, as amended (with emphasis added):

**[0015]** Claim 1 recites in part,

- identifying program details, from the recorded live broadcast itself, after recording the live broadcast;
- **determining if the identified program details are different from the metadata associated with the live broadcast;**

- updating the metadata associated with the live broadcast, in response to a determination of program details differing from the metadata associated with the live broadcast.

**[0016]** These elements are supported at least by blocks 308, 310 and 312 of Fig. 3, and associated text at [0033] to [0037] and particularly at [0035], which discusses how metadata can be obtained both from a server and also from examination of the data itself (*i.e.* the recorded live broadcast). These passages also support an update if the metadata obtained from the two sources differ.

**[0017]** The Applicant respectfully submits that the cited documents of record fail to disclose these elements. In particular, while Logan, Safadi and Knudson discuss recorded content and metadata, the Applicant respectfully submits that even collectively, the prior art of record fail to teach or suggest the three elements above.

**[0018]** Knudson discusses updating metadata, such as at the end of a sports game (see column 18, lines 8-17). In particular, Knudson discusses how a score update or an event update may be provided to a program guide. Accordingly Knudson discusses how one set of metadata can be updated, and a programming guide maintained. However, Knutson fails to teach or suggest two sets of metadata, and Knutson additionally fails to teach or suggest “updating the metadata ... in response to a determination of program details differing from the metadata”, as recited by claim 1. Thus, Knudson necessarily fails to teach or suggest a “determination of program details differing from the metadata”, as recited.

**[0019]** Logan discusses that the metadata associated with a recorded broadcast can be extracted from that recorded broadcast (see generally Logan at [0343] to [0356]). This provides access to metadata associated with the recoded broadcast. However, Logan fails to teach or suggest both “program details (identified) from the recorded live broadcast itself” and “metadata associated with the live broadcast”. Thus, Logan fails to teach or suggest the existence of two sets of data that could be compared. Moreover, Logan fails to teach or suggest any “updating” based on “a determination of program details differing from the metadata associated with the live broadcast”, as recited by claim 1.

**[0020]** Safadi discusses the difficulty in recording events of unknown length (paragraph [0011]), and how metadata can be updated in a programming guide in near real time as an event is broadcast (paragraph [0019]). Accordingly Safadi discusses how one set of metadata can be continuously obtained, even under changing circumstances. However, Safadi fails to teach or suggest that two sets of metadata are known, and Safadi fails to teach or suggest “updating the metadata ... in response to a determination of program details differing from the metadata”, as recited by claim 1. In contrast, Safadi teaches away from this claim element, discussing instead a method of continuous updating (real time updating), not based on any “determination of program details differing from the metadata”, as recited by claim 1.

**[0021]** Lees does not mention broadcasting of content, and accordingly, does not mention “determining if the identified program details are different from the metadata associated with the live broadcast.” Lees does discuss (column 6, lines 10-15) updated timestamps for metadata. However, Lees fails to teach or suggest basing an update on

“determining if the identified program details are different from the metadata **associated with the live broadcast**,” (emphasis added) as recited.

**[0022]** Marsh discusses updating metadata, such as at [0035] lines 7-11. In particular, Marsh discusses how metadata is associated with media content itself, and not a particular instance of that content’s broadcast. Thus, Marsh teaches that metadata updates can be made “throughout the life of a particular piece of media content.” However, Marsh fails to teach or suggest any determination of “determining if the identified program details are different from the metadata associated with the live broadcast,” as recited by claim 1. Marsh fails to compare a live broadcast to content, and to adjust metadata “in response to a determination of program details differing from the metadata associated with the live broadcast,” as recite by the claim. Thus, Marsh maintains and updates metadata of content, but does not teach or suggest any determination of whether program details are different from a live broadcast.

**[0023]** Vasudevan discloses a relational database system. However, Vasudevan does not teach or suggest broadcast data, and therefore does not teach or suggest “determining if the identified program details are different from the metadata associated with the live broadcast”, as recited by claim 1.

**[0024]** The Office has not examined the current amendments to claim 1, as they were obtained from the teachings of the specification. However, in the prior action, the Office pointed generally to Logan, Safadi and Knudson as discussing metadata updates generally. But, for at least the reasons noted above, the documents of record fail to teach or suggest a “determination of program details differing from the metadata associated with the live broadcast”. In fact, none of the documents of record teach or

suggest two sets of metadata. Yet the claim recites the identified “program details” obtained “from the recorded live broadcast itself,” and “the metadata associated with the live broadcast”. Accordingly, none of the documents of record teach or suggest “a determination of program details differing from the metadata associated with the live broadcast” as recited.

**[0025]** Claim 1 also recites in part,

- an updated keyword section associated with the live broadcast, wherein the updated keyword section is an update of the keyword section and contains keywords unknown before the live broadcast.

**[0026]** These elements are supported by the specification. For example, see Fig. 12 (where growth in the keyword section within 1202 is seen within 1204) and paragraphs [0051] to [0053] of the specification.

**[0027]** The Applicant respectfully submits that the cited documents of record fail to teach or suggest these elements. In particular, the Applicant respectfully submits that Knudson, Vasudevan, Lees and Safadi fail to teach or suggest the use of keywords generally, and more particularly fails to teach keywords in accordance with the claim, as amended.

**[0028]** Vasudevan, Lees and Safadi fail to teach or suggest any aspect of keywords.

**[0029]** Knudson discusses the use of keys for use in managing data (see Knudson’s column 11, lines 53-58). At Fig. 10 and associated areas of text (primarily columns 11 and 12), Knudson discusses the use of keys for database access. Accordingly, while

Knudson does discuss database access keys, Knudson does not teach or suggest the use of a “keyword section associated with the live broadcast”.

**[0030]** Marsh mentions keywords only in the context of searching for a keyword, and not in the context of updating a keyword after broadcast of a program, such as updating keywords “unknown before the live broadcast”, as claimed. See Marsh at paragraph 0210.

**[0031]** Logan also mentions keywords only in the context of searching (e.g., paragraphs 00203 to 0206), but fails to teach or suggest updating a keyword after broadcast of a program.

**[0032]** The Office points to Knudson at column 18, lines 8-17 and suggests that keywords are discussed. The Applicant respectfully disagrees that Knudson makes any teaching or suggestion of the claimed subject matter.

**[0033]** Referring to column 18 lines 8-17, Knudson discusses sports game recap information, including scores, weather and statistics, etc. However, no teaching or suggestion of keywords is provided. The Applicant respectfully submits that Knudson’s discussion of game notes, highlights and scoring information (as provided by column 18) does not teach or suggest keywords generally, and more particularly does not teach or suggest “an updated keyword section associated with the live broadcast, wherein the updated keyword section is an update of the keyword section and contains keywords unknown before the live broadcast”, as recited by claim 1, as amended.

**[0034]** For at least these reasons, the Applicant respectfully submits that the cited documents of record fail to teach or suggest the elements of claim 1, as amended, and the Applicant respectfully requests that the rejection of claim 1 be removed.



### Dependent Claims 2-5 and 8-12

**[0035]** Claims 2-5 and 8-12 ultimately depend from independent claim 1. As discussed above, claim 1 is allowable over the cited documents. Therefore, claims 2-5 and 8-12 are also allowable over the cited documents of record for at least their dependency from an allowable base claim. These claims may also be allowable for the additional features that each recites.

### Independent Claims 13, 21 and 25

**[0036]** Claims 13, 21 and 25 were amended in a manner similar to that of claim 1. As discussed above, claim 1 is allowable over the cited documents. Accordingly, claims 13, 21 and 25 are allowable for reasons similar to those seen above, and the remarks from above are incorporated herein by reference. Moreover, claims 13, 21 and 25 are also allowable for the additional features that each recites.

### Dependent Claims 15-20 and 22

**[0037]** Claims 15-20 and 22 ultimately depend from independent claims 13 and 21, respectively. As discussed above, claims 13 and 21 are allowable over the cited documents. Therefore, claims 15-20 and 22 are also allowable over the cited documents of record, for at least their dependency from an allowable base claim. These claims may also be allowable for the additional features that each recites.

### Conclusion

**[0038]** For at least the foregoing reasons, all pending claims are in condition for allowance. The Applicant respectfully requests reconsideration and prompt issuance of the application. The amendments and remarks presented herein are responsive to the

new grounds of rejection, and therefore, could not have been presented earlier. If any issues remain that would prevent allowance of this application, **the Applicant requests that the Examiner contact the undersigned representative before issuing a subsequent Action.**

Respectfully Submitted,

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